cution, etc. *Black* v. *Epstein,* 221 Mo. 286; *Vawter* v. *Hultz,* 112 Mo. 633; CHAMBERLAYNE, § 3281; WIGMORE, § 70-80. The question asked, as bearing upon the moral character of the defendant, was incompetent. But having been admitted, it was competent for the defendant to introduce in rebuttal evidence of his good character. *Mowry* v. *Smith,* 9 Allen 67. In the case last cited, the court said, "To this extent, it may be properly held that the latter [corresponding to the plaintiff in principal case] has waived the strict rule of law applicable to such evidence, and is estopped from objecting to the proof of facts, by the opposite party, which can be properly deemed to be contradictory or in rebuttal of those offered by himself." Accord, *Sisler* v. *Shaffer,* 43 W. Va. 769; contra, *Phelps* v. *Hunt,* 43 Conn. 194. The interesting point in the principal case is that that which the defendant was allowed to rebut was a mere imputation of immoral conduct conveyed in the incompetent question itself, and that he was allowed so to do by introducing evidence of his general good character and not merely by showing that he was not guilty of the specific act imputed to him by the plaintiff's question.

EVIDENCE.—IMPEACHMENT OF HANDWRITING EXPERT.—In an action against the indorsers of a note, the only question involved was as to the genuineness of their signatures. The court refused to allow the defendants to test the ability of one of the plaintiff's handwriting experts by submitting to him for identification both genuine and spurious signatures. *Held,* not to be error. *McArthur et al.* v. *Citizens' Bank of Norfolk, Va.* (1915) 223 Fed. 1004.

The court bases its holding upon the grounds of exercise of discretion and weight of authority. In so exercising its discretion, the court says, "No test of this sort had been suggested in connection with the testimony of any previous witness on either side. * * * Assuming that the witness would have failed in one or more instances to distinguish the true from the false, the effect would have been negligible, in view of the mass of testimony which had already been submitted. Moreover, if the defendant had been allowed to test the witness in this way, the plaintiff could well have claimed the right to recall the defendant's witnesses of the same class for the purpose of subjecting them to a like test, and the trial would have been indefinitely prolonged." Recognizing a discretion in the court to confine such a test within reasonable limits, the arguments used by the court in attempting to justify its ruling as an exercise of discretion are anything but convincing. It is hard to see how the failure to use this method of impeachment with regard to another witness would justify the court in refusing to permit its use with regard to this witness. To state that in the event of a failure on the part of the expert to distinguish the true from the false the effect would have been negligible in view of the mass of material which had already been admitted is to state a *non sequitur.* It is also rather violent to assume that to permit such a test to be made in any instance would prolong the trial indefinitely. Nor is it at all clear that the law is well settled, or even that the weight of authority is in accord with this holding. As to the admission of spurious writings upon cross-examination to test the ability of the hand-writing witness, the courts have taken several different views. Some courts hold that such a means of

impeachment may not be used when the witness is a non-expert, *Loring* v. *Warren County,* 1 Ky. L. Rep. 340; *People* v. *Patrick,* 182 N. Y. 131, but that it is admissible when he is a handwriting expert, *Browning* v. *Gosnell,* 91 Ia. 448; *Hoag* v. *Wright,* 174 N. Y. 36. Still others hold that it is inadmissible in either case, basing their holding upon the ground that comparisons may be made only with admittedly genuine signatures upon direct examination, and that the same rule is applicable to cross-examination. *Gaunt* v. *Harkness,* 53 Kan. 405; *Fourth National Bank of Fayetteville* v. *McArthur,* 84 S. E. 39; ROGERS, EXPERT TESTIMONY (2d ed.) p. 342, § 144. In the light of the various views which different courts have taken of the subject, it is difficult to determine where the weight of authority lies, but reason and expediency would seem to be with those courts which permit the handwriting expert so to be impeached, and against the holding in the principal case. *Hoag* v. *Wright,* 174 N. Y. 36.

GIFTS—EXPECTANT ESTATE IN PERSONALTY.—Where the owner of shares of stock gives a certificate for a number of these shares to a third person, with instructions to deliver the same to his daughter, only in case of his death, *held,* that such transaction creates an expectant estate in personal property. *Innes* v. *Potter* (Minn. 1915) 153 N. W. 604.

Under § 3213 of MINN. REV. ST. 1905, authorizing a freehold estate as well as chattels real to be created commencing at a future day, deeds of real estate granted in the manner of the principal case have long been held to vest complete title in the grantee after the death of the grantor. *Haeg* v. *Haeg,* 53 Minn. 33, 35 N. W. 114; *Wicklund* v. *Lindquist,* 102 Minn. 34, 113 N. W. 631; *Dickson* v. *Miller,* 124 Minn. 346, 145 N. W. 112. In early times expectant estates in personalty were unknown because of such property's changeability and comparative insignificance. But the present trend of development, both in England and the United States, is toward a general recognition of future estates in personalty with an evident disregard for all prior imposed limitations and restrictions, the estate being held good whether made by will or by deed and whether the goods or merely the use of the goods be given to the first legatee. 2 KENT, COM. (13th Ed.) 352, 353 and notes: *Longworthy* v. *Chadwick,* 13 Conn. 42. The principal case brings Minnesota into accord with what seems to be the settled law of most jurisdictions: namely, that the donor may create a valid expectant estate in personalty, by gift made absolute by delivery to some third person, the right of enjoyment in the donee being postponed until after the death of the donor. *Grand Trust and Savings Co.* v. *Tucker,* 49 Ind. App. 345, 96 N. E. 487; *Tucker* v. *Tucker,* 138 Iowa 344, 116 N. W. 119; *Meriwether* v. *Morrison,* 78 Ky. 572; *Greene* v. *Tulane,* 52 N. J. Eq. 169, 28 Atl. 9.

HUSBAND AND WIFE—ALIENATION OF AFFECTIONS—LIABILITY OF RELATIVES. —The defendants who were the parents, brothers and sisters of the plaintiff's wife made threats upon the life of the plaintiff and informed his wife that she "must choose between them and him," wherefore the plaintiff's wife was induced to abandon him. Plaintiff was unobjectionable as a husband, and the only apparent reason for the interference by the relatives was the fact that